



Sustainability in Action



July 13, 2026

The Honorable Sabrina Cervantes
Chair, Senate Appropriations Committee
1021 O St., Suite 7330
Sacramento, CA 95814

**RE: Assembly Bill 28 (Schiavo) – OPPOSE UNLESS AMENDED
As Amended June 11, 2026**

Dear Senator Cervantes:

On behalf of the Rural County Representatives of California (RCRC), League of California Cities (Cal Cities), the California State Association of Counties (CSAC), Republic Services, and Recology, we must respectfully oppose Assembly Bill 28 (Schiavo) regarding landfills unless amended.

Assembly Bill 28 establishes a new and duplicative regulatory regime for monitoring, notifying, and implementing corrective action plans for landfills experiencing elevated temperatures. AB 28 also establishes a multiagency coordination group to respond to elevated landfill temperature events, requires local public health departments to conduct community health needs assessments, and shifts authority for coordinating enforcement actions from the local enforcement agency to CalRecycle. AB 28 also establishes penalties of up to \$100,000/day for failure to notify, provide relevant data, or take actions to mitigate and resolve subsurface elevated temperatures. Finally, AB 28 vests CalRecycle with authority to adopt emergency regulations to implement these requirements.

We understand and share your concern about the truly disturbing impacts resulting from subsurface smoldering and elevated temperatures at a selected Southern California facility. As local governments and landfill operators, we are committed to ensuring that our facilities are operated safely and our communities are protected from similar events.

While we support the overarching goal of the proposed legislation, we regret that we must oppose the approach contained in AB 28 unless amended.

AB 28 Sets Up a Duplicative and Conflicting Regulatory Process for Responding to Elevated Temperature Events at Landfills

We and other stakeholders spent much of the last year working with the Air Resources Board to refine and update its landfill methane regulation (LMR) to improve monitoring, reporting, and response protocols for landfills. AB 28 now sets up a duplicative and conflicting monitoring and response regime at an entirely different agency.

Elevated gas temperature events are concerning but happen fairly regularly and prompt remedial actions by the facility operator. Landfill gas temperature monitoring provides some information about what is occurring underground at a particular location at a landfill but is not the only data operators use to evaluate subsurface conditions and how to respond. Changed surface conditions, the appearance of smoke, oxygen, and carbon monoxide concentrations, as well as other indicators are important considerations in determining whether there is a subsurface event and its associated risks.

Given the amount of time, effort, and scientific expertise that went into updating the LMR, it is imperative that AB 28 better align with the thresholds and response actions included in the newly revised LMR. AB 28's notification and mitigation requirements should not be based on temperature alone, but should include other performance and geographic criteria that are correlated with subsurface events and indicate increased risk. AB 28 should also provide more flexibility for CalRecycle to better tailor corrective action plan requirements to the needs of each individual situation.

AB 28 Establishes Excessive Fines for Failure to Report Temperature Events or Provide Data to CalRecycle

AB 28 allows CalRecycle to impose fines of up to \$100,000/day for failure to notify various state and local agencies of the occurrence of a subsurface elevated temperature event, provide temperature data to various state agencies, or take any action CalRecycle determines is necessary to mitigate and resolve the event. These fines for notification and data submission violations are far in excess of the penalties that even the Air Resources Board is authorized to impose for emitting air contaminants in violation of a state or local air district rule (\$25,000/day) and is equivalent to the maximum penalty that can be imposed for negligent emission of an air contaminant that causes great bodily injury or death (\$100,000/day). We strongly urge the penalty schedule included in AB 28 to be better tailored to the specific violations, including graduated penalties that are based on the nature and seriousness of the violation.

CalRecycle Must Utilize the Regular Administrative Procedures Act Process to Adopt Implementing Regulations

AB 28 vests CalRecycle with authority to adopt emergency regulations to implement the bill. The emergency regulation process provides little meaningful opportunity for stakeholders to provide input on such a highly technical and consequential measure. ARB's scientists worked with stakeholders for more than a year to develop and adopt updates to the LMR through the normal rulemaking process. AB 28's emergency regulation process would afford stakeholders with as little as five days' notice of the proposed regulation and no meaningful opportunity to resolve any technical or substantive problems. Given the complexity of the issue, AB 28 should direct CalRecycle to adopt implementing regulations through the normal APA process.

Scope of Facilities Subject to AB 28 Must Be Clarified

As currently drafted, AB 28 will impose unnecessary temperature and monitoring requirements on a large number of small, specialized, and closed landfills that are exempt from the LMR. The majority of these facilities are owned and operated by local government entities. The LMR does not include landfills that only receive construction and demolition wastes, inert waste, or non-decomposable wastes (C&D facilities) and smaller landfills with less than 450,000 tons of waste in place because ARB recognizes the low risks posed by those facilities. AB 28 should be clarified to better align with the universe of facilities subject to the LMR.

AB 28 Fails to Provide For Reimbursement of Local Implementation Costs

AB 28 imposes specific requirements for county public health departments to conduct public hearings and conduct community health needs assessments. While AB 28 specifies that the facility operator must reimburse the state's multiagency coordination group, it does not require the operator to reimburse local governments for their implementation costs. AB 28 should ensure that local county health departments are reimbursed for their implementation costs.

We remain committed to addressing these issues and developing a workable solution to the circumstances that form the basis of the proposed legislation. Unfortunately, we must respectfully oppose AB 28 until it is amended to address these issues. If you should have any questions, please do not hesitate to contact us.

Sincerely,



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cc: The Honorable Pilar Schiavo, Member of the California State Assembly
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